

Expedited Bill No. 10-10  
Concerning: Buildings – Energy  
Efficiency - Repeal  
Revised: 4/30/2010 Draft No. 2  
Introduced: March 23, 2010  
Enacted: May 18, 2010  
Executive: May 29, 2010  
Effective: May 29, 2010  
Sunset Date: None  
Ch. 16, Laws of Mont. Co. 2010

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President at the Request of the County Executive

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**AN EXPEDITED ACT to:**

- (1) repeal the requirement that certain residential buildings meet certain ENERGY STAR standards; and
- (2) generally amend the law relating to buildings, energy, and environmental policy.

By repealing

Montgomery County Code  
Chapter 8, Buildings  
Article VIII. Energy Efficiency

2008 Laws of Montgomery County, ch. 7, § 5

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. Article VIII of Chapter 8 is repealed as follows:**

2   **[Article VIII. Energy Efficiency]**

3   **[8-54. Definitions.]**

4           [In this Article, the following words have the meanings indicated:

5           *“Covered building”* means a newly constructed:

6                   (1)   single-family residential building; or

7                   (2)   multi-family residential building which is:

8                           (A)   not a covered building under Section 8-48; and

9                           (B)   eligible to earn the ENERGY STAR rating.

10          *“Department”* means the Department of Permitting Services.

11          *“Director”* means the Director of the Department or the Director’s designee.

12          *“ENERGY STAR rating”* means the ENERGY STAR rating developed by the  
13          federal Environmental Protection Agency which measures a building’s energy  
14          efficiency.

15          *“Home Energy Rating System”* or *“HERS”* means the energy efficiency rating  
16          system for residential buildings developed by RESNET.

17          *“Qualified home energy performance rater”* means an individual who:

18                   (1)   is certified by RESNET as a home energy performance rater; or

19                   (2)   meets other equivalent requirements approved by the Director.

20          *“RESNET”* means the Residential Energy Services Network.

21          *“Performance path”* means the process developed by the federal  
22          Environmental Protection Agency under which a building may achieve the  
23          ENERGY STAR rating if it:

24                   (1)   achieves the applicable HERS index score; and

25                   (2)   is verified and field-tested by a qualified home energy  
26                   performance rater.

“*Prescriptive path*” means the process developed by the federal Environmental Protection Agency under which a building may achieve the ENERGY STAR rating if it:

- (1) complies with the applicable ENERGY STAR Builder Option Package; and
- (2) is verified and field-tested by a qualified home energy performance rater.]

**[8-55. ENERGY STAR standard.]**

[A covered building must achieve the ENERGY STAR rating under the performance or prescriptive path.]

**[8-56. Building permits; use and occupancy certificates.]**

[(a) Design plans. An applicant for a building permit for a covered building must submit to the Department:

- (1) design plans for the building that are likely to achieve the standard under Section 8-55, as certified by a qualified home energy performance rater; and
- (2) any other document or information the Department finds necessary to decide whether the building will achieve the standard under Section 8-55.

(b) Building permit. The Department must require compliance with Section 8-55 as a condition of any building permit issued for a covered building.

(c) Final use and occupancy certificate. The Department must not issue a final use and occupancy certificate for a covered building, if a use and occupancy certificate is otherwise required, unless it finds that the building complies with Section 8-55.]

**[8-57. Regulations.]**

[The County Executive must adopt regulations under Method (2) to administer this Article. Those regulations must specify:

- (a) any process for becoming a qualified home energy performance rater that the Director finds is equivalent to the RESNET certification process;
- (b) any standards and procedures under which the Director may approve full or partial waivers of Section 8-55 when compliance would be impractical or unduly burdensome and the waiver would serve the public interest; and
- (c) standards and procedures for any enforcement mechanism that the Department finds necessary to accomplish the purposes of this Article.]

**Sec. 2. Section 5 of Chapter 7 of the 2008 Laws of Montgomery County, as amended by Section 1 of Chapter 32 of the 2009 Laws of Montgomery County, is repealed as follows:**

- [(a) Section 8-55, as added by Section 4 of this Act, applies to any covered building for which a building permit application is filed on or after April 1, 2010.
- (b) By October 1, 2009, the County Executive must adopt, and submit to the Council under County Code Section 2A-15, regulations required by Section 8-57, as added by Section 4 of this Act.]

**Sec. 3. Expedited Effective Date.** The Council declares that this Act is necessary for the immediate protection of the public interest. This Act takes effect on [[April 1, 2010]] the date when it becomes law.

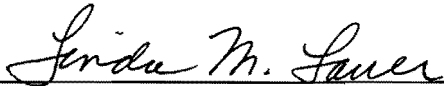
78 *Approved:*

79  5/21/10  
Nancy Floreen, President, County Council Date

80 *Approved:*

81  5/29/10  
Isiah Leggett, County Executive Date

82 *This is a correct copy of Council action.*

83  6/7/10  
Linda M. Lauer, Clerk of the Council Date